

ORDINANCE NUMBER 1-2016

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY PLANNING – A Franklin County Code amendment to Update the Franklin County Shoreline Master Program (SMP) consistent with the requirements of Chapter 90.58 RCW and Title 173-26 WAC.

Franklin County is adopting a new "Shoreline Master Program" (SMP; including the Inventory, Analysis and Characterization Report, Cumulative Impacts Analysis Report, and Restoration Plan), adopting a new Chapter 18.16 of the Franklin County Code "Shoreline Master Program", and repealing the existing Franklin County SMP and any subsequent amendments thereto.

APPLICANT: Franklin County, 1016 North 4th Avenue, Pasco, WA 99301.

WHEREAS, on January 20, 2016 the Clerk of the Board did set this date for a public hearing to consider the positive recommendation of the Franklin County Planning Commission to Update the Franklin County Shoreline Master Program (SMP) consistent with the requirements of Chapter 90.58 RCW and Title 173-26 WAC.

WHEREAS, at the public hearing the Board has found as follows:

- A. In June 2013, the County issued a Request for Proposals for the Shoreline Update. This specifically stated that Franklin County is seeking a qualified consultant(s) in this Request for Proposal (RFP) to assist the County in the update of its Shoreline Master Program (SMP). In August 2013, the County Commissioners met in a public meeting to review the proposals. An award letter was sent to Anchor QEA in August 2013.
- B. The County Planning Commission held 16 advertised Workshops/Public Meetings and Visioning Meetings. One open record hearing was held on December 1, 2015.
- C. The open record hearing and all workshops/public meetings and visioning meetings were advertised as open to the public and public input opportunities were granted on each occasion.
- D. Notification was posted as per County Ordinance and State law. Notice of the activities associated (workshops, meetings, etc) with the Update were distributed to an email group of approximately 50 landowners, agencies, public officials, or interested groups or individuals. Both verbal and written comments have been received regarding the Update.
- E. To further increase public awareness for the process, postcards about the process and visioning meetings were mailed directly to landowners along the shorelines in the unincorporated portion of the County.
- F. A website was established for the Shoreline Update process. This website contained information that included the history of the shoreline plan, news and events, schedule, documents, and FAQ's. The website was regularly updated with new information.
- G. At the December 1, 2015 Franklin County Planning Commission Meeting, the Franklin County Planning Commission, after an open record public hearing and consideration on

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this proposal, did determine and entered a **positive recommendation for this application subject to following thirty (30) findings of fact:**

1. Franklin County is required to comply with the requirements of Chapter 36.70A RCW. The County adopted a Comprehensive Plan in 1995, and updated that document as required in 2008. The County's next update of the Comprehensive Plan is not scheduled until 2018.
2. The Washington State Legislature passed the Washington State Shoreline Management Act (RCW 90.58) in 1971. Under the SMA, each affected county and city is required to adopt and administer a local Shoreline Master Program to carry out the provisions of the Act.
3. The Shoreline Master Program Guidelines (Title 173-26 WAC) are the standards and guidance that have been adopted by the Washington State Department of Ecology which local governments must follow in drafting their local shoreline management programs.
4. The Franklin County Shoreline Master Program was originally approved in the early 1970's, and has not had a significant update since that time.
5. In 1995, the State Legislature amended the Growth Management Act (Chapter 36.70A RCW) and the SMA to partially integrate the provisions of the two statutes. The amendments collectively added the goals and policies of the SMA as a 14th planning goal under the GMA and clarified that the goals and policies of an approved SMP shall constitute a shoreline element of the county's comprehensive plan (Chapter 36.70A.480 RCW). The Legislature also directed the Department of Ecology to update the State Shoreline Guidelines to ensure consistency with the SMA and GMA.
6. Pursuant to Chapter 36.70A.480 RCW, the goals and policies of the SMP are to be incorporated into the Franklin County Comprehensive Plan as a part of the County's Comprehensive Plan Update process.
7. Legislation passed in 2004 (ESHB 1933) clarified that critical areas within shorelines are to be 'designated' under the GMA, but "protected" by the SMP at a level that is "at least equal to" the County's adopted critical areas ordinance.
8. In December 2003, the Department of Ecology adopted revised Shoreline Master Program Guidelines (Title 173-26 WAC).
9. Pursuant to Chapter 90.58.080 RCW, Franklin County is required to review and update its existing 1973 Shoreline Master Program to ensure conformance with the required elements of the 2003 Shoreline Master Program Guidelines.
10. Franklin County entered into a grant agreement with the Department of Ecology to complete the Shoreline Master Program Update consistent with the SMA and SMP Guidelines.
11. In June 2013, the County issued a Request for Proposals for the Shoreline Update. This specifically stated that Franklin County is seeking a qualified

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consultant(s) in this Request for Proposal (RFP) to assist the County in the update of its Shoreline Master Program (SMP).

12. In August 2013, the County Commissioners met in a public meeting to review the proposals. An award letter was sent to Anchor QEA in August 2013. Franklin County contracted with Anchor QEA to provide consulting services and development of the various components of the SMP update process.
13. For the SMP Update, the following Public Meetings/Workshops, Visioning Workshops, and Public Hearing(s) were held and advertised in the Franklin County Graphic and Tri-City Herald Newspapers.

January 6, 2014	Planning Commission	Workshop in Pasco
February 4, 2014	Planning Commission	Workshop in Pasco
April 8, 2014	Planning Commission	Workshop in Pasco
May 6, 2014	Planning Commission	Visioning Workshop in Pasco
May 8, 2004	Planning Commission	Visioning Workshop in Pasco
July 8, 2014	Planning Commission	Workshop in Pasco
August 5, 2014	Planning Commission	Workshop in Pasco
September 15, 2014	Board of Commissioners	Workshop in Pasco
November 5, 2014	Planning Commission	Workshop in Pasco
January 6, 2015	Planning Commission	Workshop in Pasco
February 3, 2015	Planning Commission	Workshop in Pasco
March 3, 2015	Planning Commission	Workshop in Pasco
March 25, 2015	Board of Commissioners	Workshop in Pasco
May 5, 2015	Planning Commission	Workshop in Pasco
November 3, 2015	Planning Commission	Workshop in Pasco
November 16, 2015	Board of Commissioners	Workshop in Pasco
December 1, 2015	Planning Commission	Public Hearing in Pasco

14. The open record hearing and all workshops/public meetings and visioning meetings were advertised as open to the public and public input opportunities were granted on each occasion.
15. Notification was posted as per County Ordinance and State law. Notice of the activities associated (workshops, meetings, etc) with the Update were distributed to an email group of approximately 50 landowners, agencies, public officials, or interested groups or individuals.
16. To further increase public awareness for the process, postcards about the process and visioning meetings were mailed directly to private landowners along the shorelines in the unincorporated portion of the County.
17. A website was established for the Shoreline Update process. This website contained information that included the history of the shoreline plan, news and events, schedule, documents, and FAQ's. The website was regularly updated with new information.
18. Title 173-26-201(3)(c) and (3)(d) WAC require Franklin County to document existing shoreline conditions and present a baseline inventory and characterization of ecosystem-wide processes and shoreline ecological functions within Franklin County. A shoreline inventory, analysis, and characterization report has been developed in association with the SMP.

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19. The Franklin County Planning Commission served as the 'citizen advisory committee' for the County's update process. The Planning Commission met and reviewed the elements of the SMP update at thirteen (13) open public meetings/workshops.
20. The Draft SMP was released for its official public comment period on October 22, 2015. Public comments are accepted until the completion of the public hearing process on December 1, 2015.
21. A Notice of Application (including SEPA threshold determination and notice of the Planning Commission hearing) was issued on October 22, 2015, and published in the Tri-City Herald and Franklin County Graphic. Notification was sent to the email group (agencies and landowners) and documentation updated on the website for public viewing.
22. The Washington State Department of Commerce was provided a 60-day notice of intent to adopt on August 25, 2015.
23. The County issued a Determination of Non-Significance under Title 197-11-355 WAC on October 22, 2015. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
24. Franklin County received written comments from the following: Curtis Mohr (Franklin County property owner), Washington State Parks and Recreation and Washington State Department of Fish and Wildlife. Those comments have been considered by the Planning Commission in making its recommendation to the Board of County Commissioners.
25. The Franklin County Planning Commission conducted an open record public hearing on December 1, 2015 for the purposes of deliberating on the proposed amendments, consider public testimony of the same, and formulate a recommendation to the Board of County Commissioners.
26. The Planning Commission forwarded a recommendation of approval to the Board of County Commissioners on December 1, 2015, including a proposed amendment to Section 18.16.240(E) Shoreline Vegetation Conservation.
27. The proposed Franklin County SMP is consistent with and implements the goals, policies, and requirements of the Washington State Shoreline Management Act, Washington State Growth Management Act, and Washington State Shoreline Master Program Guidelines.
28. Concurrent with the Department of Ecology adoption of the SMP, the original 1970's Franklin County Shoreline Master Program shall be repealed, along with any amendments thereto.
29. Concurrent with the Department of Ecology adoption of the SMP, the Shoreline Master Program shall be adopted under Title 18 Environment, Chapter 18.16 Shoreline Master Program Regulations.
30. Concurrent with the Department of Ecology adoption of the SMP, the companion documents to the Shoreline Master Program shall be adopted by referenced

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attachments – including the Inventory, Analysis, and Characterization Report, Cumulative Impacts Analysis Report, and Restoration Plan.

WHEREAS, it appears to be in the public use and interest to approve said Update to the Shoreline Master Program; and

WHEREAS, the original 1970's Shoreline Master Program shall be repealed, along with any amendments made thereto.

NOW, THEREFORE, BE IT ORDAINED that the Update of the Franklin County Shoreline Master Program shall be approved and adopted under Title 18 Environment, Chapter 18.16 Shoreline Master Program Regulations, and the companion documents to the Shoreline Master Program shall be adopted by referenced attachments – including the Inventory, Analysis, and Characterization Report, Cumulative Impacts Analysis Report, and Restoration Plan.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this approval and adoption includes the removal of the Esquatzel Coulee as shoreline jurisdiction from the Franklin County Shoreline Master Program Update, including the removal from the referenced attachments.


SIGNED AND DATED THIS 20th DAY OF JANUARY 2016.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**



CHAIRMAN

ATTEST:



CHAIR PRO-TEM



CLERK OF THE BOARD



MEMBER